

00-1-0948

Entered - 8-28-96- sb
CL 96L0526- GWENDOLYN BURNS

CLAIM OF: **ROGER & CO.**
52 Pharr Road
Atlanta, Georgia 30305

For damages alleged to have been sustained
as a result of a property damage incident on
July 13, 1996 at 52 Pharr Road

THIS ADVERSED REPORT IS
APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL JUL 05 2000

ADVERSE REPORT

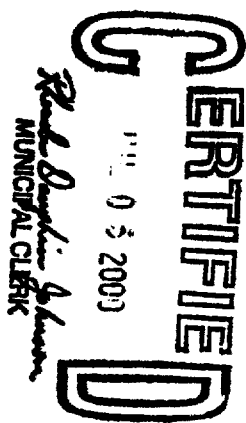
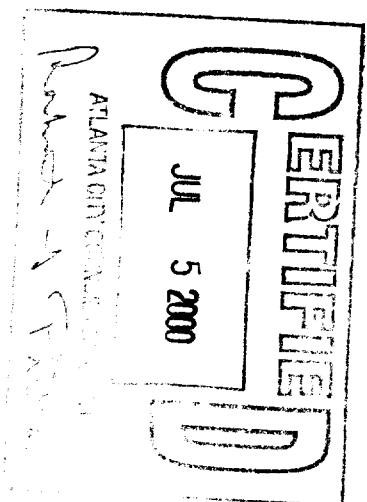
DATE 6-27-00

DATE

CHM.

E. T. Martin

Robert N. Godfrey





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 18, 2000

Roger & Co.
Attn: Roger Solman
52 Pharr Road
Atlanta, GA 30305

00-R-0948

Dear Mr. Solman:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 96L0626

Date: June 14, 2000

Claimant /Victim ROGER & COMPANY
BY: (Atty) (Ins. Co.) _____
Address: 52 Pharr Road, Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage \$ 1,501.86 Bodily Injury \$ _____
Date of Notice: 8/12/96 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/13/96 Place: 52 Pharr Road
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained damages to his business from a sewer back up. An investigation determined that the City responded in a timely manner and did not have notice of any problems at this location prior to the March 14, 1997 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

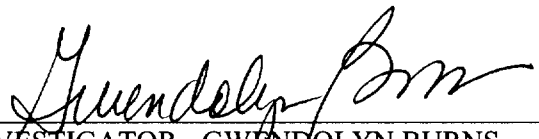
INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:


Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

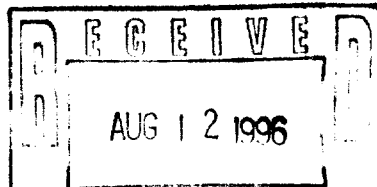
Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 06-16-00
Committee Action: _____ Council Action _____

Dats
087390

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Street, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 8-10-96



Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,501.86 property and/or \$ _____ bodily injury for which I consider the City is liable.

1. Date of incident: 7-13-96
(month/day/year)
2. Police called: X
Yes No
(sewer Dept. called)
3. Location of incident: _____
4. Name of your insurance company: THE TRAVELERS Policy No. W680-616WSS0-
CA-9-TIA 96
5. State what and how incident occurred: Sewer-system backed up,
came in from bath room - covering the
entire floor in raw sewage.
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: _____
(make) (year) (tag number) (driver's name)
City vehicle: _____
(make) (City driver's name) (department/bureau)
8. Witness: _____
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Roger Salmon

RIGER & Co.

(claimant's name)

53 PHARR Rd.

(address)

PTL.

GA. 30305

(city and state)

404-333-3049

(work number)

404-204-1341

(home number)

Now Ins. Co. does not
cover sewer backup
- caused by city sewer
system, 11 00-R-0948

RCS# 2057
7/05/00
1:38 PM

Atlanta City Council

Regular Session

**_**

Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

NV McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
B Emmons
B Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0982
00-O-0996
00-R-0954
00-R-0981
00-R-0999

**_**

07/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-0882 2. 00-O-0815 3. 00-O-0986 4. 00-O-0987 5. 00-O-0988 6. 00-O-1002 7. 00-O-0574 8. 00-O-0972 9. 00-O-0818 10. 00-R-0990 11. 00-R-0992 12. 00-R-0993 13. 00-R-0885 14. 00-R-0884 15. 00-R-0883 16. 00-R-0880 17. 00-R-0814 18. 00-R-0957 19. 00-R-0961 20. 00-R-0998 21. 00-R-0887 22. 00-R-0888 23. 00-R-0889 24. 00-R-0997 25. 00-R-0892 26. 00-R-0955 27. 00-R-0984 28. 00-R-1000 29. 00-R-0908 30. 00-R-0909 31. 00-R-0910 32. 00-R-0911 33. 00-R-0912 34. 00-R-0913 35. 00-R-0944 36. 00-R-0945 37. 00-R-0946	38. 00-R-0914 39. 00-R-0915 40. 00-R-0916 41. 00-R-0917 42. 00-R-0918 43. 00-R-0919 44. 00-R-0920 45. 00-R-0921 46. 00-R-0922 47. 00-R-0923 48. 00-R-0924 49. 00-R-0925 50. 00-R-0926 51. 00-R-0927 52. 00-R-0928 53. 00-R-0929 54. 00-R-0930 55. 00-R-0931 56. 00-R-0932 57. 00-R-0933 58. 00-R-0934 59. 00-R-0935 60. 00-R-0936 61. 00-R-0937 62. 00-R-0938 63. 00-R-0939 64. 00-R-0940 65. 00-R-0941 66. 00-R-0942 67. 00-R-0943 68. 00-R-0947 69. 00-R-0948 70. 00-R-0949 71. 00-R-0950 72. 00-R-0951